

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

KYRA T. WALKER,

Petitioner,

v.

CIVIL ACTION NO. 1:06-1029

DEBORAH HICKEY, Warden,
FPC Alderson,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the court is petitioner's Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in State or Federal Custody. (Doc. No. 1.) By Standing Order entered August 1, 2006, and filed in this case on December 11, 2006, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. Pursuant to 28 U.S.C. § 636(b), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation ("PF & R") on December 18, 2009, recommending that this court dismiss petitioner's Section 2241 Application and remove this matter from the court's active docket. (Doc. No. 7.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted seventeen days, including three mailing days, in which to file any objections to Magistrate Judge

VanDervort's PF & R. Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a waiver of that party's right to a *de novo* review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). Neither party has filed objections to the PF & R, and the time period for doing so has now elapsed.

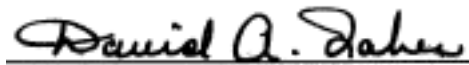
Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge VanDervort, the court hereby

(1) **CONFIRMS AND ACCEPTS** the findings and conclusions contained therein (Doc. No. 7); (2) **DISMISSES** the Application (Doc. No. 1); and (3) **DIRECTS** the Clerk to remove this action from the court's active docket.

The Clerk is directed to forward copies of this Memorandum Opinion and Order to all counsel of record and to any unrepresented party.

It is **SO ORDERED** this 1st day of February, 2010.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge